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## CHAPTER 8

### FEES

#### Part 1

#### Collection of Attorneys' Fees

##### **§101. Preamble.**

WHEREAS, Borough Council of the Borough of White Haven (the "Council") has determined it to be in the best interest of all citizens and taxpayers of the Borough to establish a procedure for the Borough to recover promptly the amount of delinquent unpaid taxes and other municipal charges in any manner permitted by law including, if necessary, legal proceedings; and

WHEREAS, in the past the amount recovered in such proceedings has been reduced by the cost of reasonable attorney's fees incurred by the Borough in the proceedings, and in the case of smaller claims, making enforcement not financially feasible; and

WHEREAS, the General Assembly of Pennsylvania has recently enacted, as an amendment to the Municipal Claims Act, Act No. 1 of 1996 (the "Act"), which authorizes the adding to the amount of reasonable attorneys' fees to the total payable with respect to unpaid taxes and other municipal claims, only if the municipality involved has approved by ordinance a schedule of reasonable attorney's fees; and

WHEREAS, the Borough has determined it to be in the best interest of taxpayers and citizens of the Borough to have vigorous enforcement of all delinquent and other unpaid charges, utilizing the procedures set forth in this Act, except in the case of serious hardship, which the Borough will address on a case by case basis pursuant to uniform policies; and

WHEREAS, the Borough has reviewed the subject of attorneys' fees for collection matters, and has determined that the fees set forth in the schedule hereby adopted are reasonable in amounts for the services herein described.

NOW, THEREFORE, it is hereby ORDAINED AND ENACTED by the Council of the Borough of White Haven as follows:

**§102. Approval of Procedure.** The Borough hereby approves the procedure for collection of delinquent unpaid taxes, user charges and other items covered by the Municipal Claims Act as presented at this meeting and which are on file with the minutes of this meeting.

**§103. Schedule of Fees.** The Borough hereby approves the following schedule of attorney's fees for services in connection with the collection of unpaid taxes, user charges

and other items covered by the Municipal Claims Act, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act"):

<b><u>LEGAL SERVICES</u></b>	<b><u>FEE FOR SERVICES</u></b>
Filing of municipal lien	\$150.00 plus filing and service fees
Title search	\$150.00
Preparation of Magistrate Complaint	\$50.00 plus filing and service fees
Attendance at Magistrate Hearing	\$250.00 for single hearing \$100.00 when multiple hearings are scheduled at or around the same time
Preparation of Execution of Magistrate Judgment with Request	\$35.00 plus filing and service fees
Appeal of Magistrate Judgment Preparation of Complaint/Answer/ Pleadings/Discovery	\$85.00 per hour – attorney/paralegal plus filing and service fees
Attendance at Arbitration	\$750.00
Attendance at Trial	\$1,250.00
Preparation of Brief/Attendance at Oral Argument at Appellate Court	\$2,500.00
Discovery in Aid of Execution of Judgment	\$85.00 per hour – attorney/paralegal
Execution and Levy upon Judgment at Court of Common Pleas level	\$85.00 per hour – attorney/paralegal plus filing and service fees
Installment payment agreement at taxpayer's request	\$100.00
Services not covered above	\$85.00 per hour – attorney/paralegal plus filing and service fees

(a) There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, including Sheriff's and Prothonotary's costs.

(b) The amount of fees determined as set forth above shall be added to the Borough's claim in each account.

(c) The list of Fees above may be changed from time to time by Resolution of Council.

**Part 2**  
**Fees as Reimbursements for Extraordinary Services and Expenses**

**§201. Definitions.**

(a) An "extraordinary expense" shall be those expenses and those related costs and fees that are incurred by the Borough, local, state or federal department or agency, emergency services organizations and from the private sector for actual costs or charge for labor, materials, and any other costs associated with the use of specialized extinguishing or abatement agent, chemical neutralizer or similar equipment or material that is employed to monitor, extinguish, confine, neutralize, contain, clean or remove any hazardous material that is or may be involved in a fire, or release into the air, ground or water or the potential threat of any release or fire, and any and all activities associated with the implementation of a protective action (i.e. evacuation) to protect the public health, safety and welfare.

(b) An "extraordinary service" is a service performed by a Borough department or employees, or any public or private sector organization, agency or company directly associated with mitigating the hazard or potential hazard or involved in providing services to implement a protective action. "Extraordinary services" may include but are not limited to, the abatement and disposition of hazardous materials, spills, releases or the threat of spills or releases of hazardous materials, utility line breaks or leakages, and other imminent or perceived or potential threats to the health, safety and welfare of the public that may be declared or contemplated in Section 201(a) above. (Ord. No. 8-1990, 11/8/1990, Sec. 1)

**§202. Administration.** The council of the Borough of White Haven shall collect all fees as follows:

(a) Fees and costs (including overhead costs) shall encompass all personnel, equipment, materials and maintenance expenses in such a form as to insure full reimbursement for charges from both the public and private sectors actually rendered.

A particular cost or fee schedule need not be set forth in this section or elsewhere in the Borough's ordinance or by further formal action by Council. Council approval of this section shall constitute authorization for Council to collect all such fees and costs that are submitted to the Borough by affected public and private bureaus, agencies, departments.

(b) Within 30 days of the date of the extraordinary dangerous occurrence giving rise to the extraordinary service, the affected public agencies, departments or private companies shall submit their extraordinary service related costs, fees, charges and expenses to the Borough agent for an extended payback period of time not to exceed six (6) months.

(c) In case of hardship, or where circumstances are such that a full remittance cannot be made to the Borough within the 30 day period, the Borough Council shall hereby authorize the Borough Solicitor to enter into negotiations with the owner.

(d) All monies received under the provisions of this chapter shall be placed into the General Fund and reimbursement be made to all public and private sector departments, or agencies who had submitted related costs, fees, charges and expenses for providing an extraordinary service as outlined herein.

(Ord. No. 8-1990, 11/8/1990, Sec. 2)

**§203. Litigation.** The Borough may enforce the provisions of this chapter by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus attorney's fees or for any other relief that may be appropriate.

(Ord. No. 8-1990, 11/8/1990, Sec. 3)

**§204. Emergency Services.**

(a) Nothing in this chapter shall authorize any Borough bureau, department or personnel or staff members to refuse or delay an emergency service to any person, firm, organization or corporation that has not reimbursed the Borough for extraordinary services. Furthermore, nothing in this section shall be construed to demand reimbursement to the Borough for those municipal services that are normally provided to Borough residents and others as a matter of the Borough's general operating procedure, and for which the levying of taxes, or the demand for reimbursement is normally made.

(Ord. No. 8-1990, 11/8/1990, Sec. 4)

(b) At such time as all costs, fees, charges and expenses related to the extraordinary service have been collected and reviewed, but in any case not later than 60 days from the date of determining the combined cost of rendering extraordinary services, the Borough Council shall submit a bill for all costs, fees, charges and expenses to the owner, agent or manager of the vehicle or fixed facility which caused the need for extraordinary services, with a demand that a full remittance be made within 30 days of receipt.

### Part 3

#### Schedule of Fees for Highway/Driveway Occupancy and Street Excavation Permits

**§301. Permit Issuance Fee.** An application fee for the issuance of a Highway Occupancy Permit, Driveway Occupancy Permit, or a Street Excavation Permit is established at \$75.00. The fee is to be applied to the administrative costs incurred in reviewing the application and plan(s) and issuing and processing the permit, whether or not a permit is issued. This fee may be changed from time to time by Resolution of Borough Council.

**§302. Permit Inspections.** In addition to the application fee specified in Section 301 above, the Borough may charge inspection fees if the Borough determines that one or more inspections are necessary to ensure that the permitted work:

(a) Has been completed in compliance with Borough specifications and permits provisions; or

(b) Is of sufficient magnitude or importance to warrant an inspection, whether or not by spot inspection basis or otherwise.

**§303. Permit Inspection Fees.** The Permittee shall be charged for every inspection at the hourly rate paid by the Borough to the inspector for the number of hours spent by the inspector to perform the inspection service.

**§304. Exceptions.** Permit issuance and fees and permit inspection fees are not payable by any of the following:

(a) The Commonwealth.

(b) White Haven Borough.

(c) The Federal Government.

(d) At the discretion of Borough Council, charitable organizations that are in compliance with Act No. 337, approved August 9, 1963, P.L. 629 as amended (churches, hospitals, schools, charitable institutions, veterans' organizations, nonprofit organizations).

**§305. Bonding or Other Security.** Any fees charged under this Part shall be in addition to any bonding or other security that is required to be paid by a Permittee under a separate ordinance to guarantee or ensure compliance with that ordinance.

RESOLUTION NO. 13 OF 2013

**A RESOLUTION AMENDING THE FEE FOR AN APPLICATION TO THE ZONING HEARING BOARD IN WHITE HAVEN BOROUGH, LUZERNE COUNTY, PENNSYLVANIA**

**WHEREAS**, White Haven Borough may prescribe reasonable fees with respect to the administration of its zoning ordinance and with respect to hearings before the White Haven Borough Zoning Hearing Board;

**WHEREAS**, White Haven Borough is authorized to establish fees under Section 617.3(d) of the Pennsylvania Municipalities Planning Code; 53 P.S. Section 10617.3(d);


**WHEREAS**, White Haven Borough has adopted a fee for an application or appeal to the White Haven Borough Zoning Hearing in the amount of \$350.00 under Chapter 8, Part 4, Section 401(11) of the White Haven Borough Code of Ordinances;

**WHEREAS**, White Haven Borough believes that the fee may not be sufficient in all cases, and, therefore, finds a need to amend its current fee schedule for zoning hearing appeal applications; and

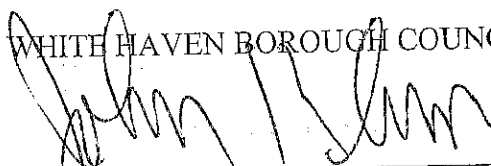
**NOW, THEREFORE, BE IT RESOLVED BY WHITE HAVEN BOROUGH COUNCIL**, that effective immediately all zoning hearing board appeal applications to the White Haven Borough Zoning Hearing Board shall be Three Hundred and Fifty (\$350.00) Dollars plus the applicant shall be responsible for any permitted reimbursable costs in excess of the application fee. "Permitted Reimbursable Costs" for purposes of this Resolution shall include compensation of the secretary and members of the zoning hearing board, notice and advertising costs, one-half the stenographer appearance fee, and necessary administrative overhead in connection with the hearing.

**BE IT RESOLVED** this 28 day of October, 2013, by White Haven Borough Council.

ATTEST:

  
\_\_\_\_\_  
Municipal Clerk

WHITE HAVEN BOROUGH COUNCIL:

  
\_\_\_\_\_  
President





• **In-Ground Pool: Includes Plan Review, rough and final electric, rough and final inspection (4 inspections included).....\$275.00**

**(7) COMMERCIAL BUILDING FEES  
USE GROUP:**

A-1	.....	1.20
A-2	.....	0.84
A-3	.....	0.82
A-4	.....	1.06
B	.....	0.76
E	.....	0.83
F	.....	0.47
I-1	.....	0.80
I-2	.....	1.18
I-3	.....	0.95
M	.....	0.60
R-1	.....	0.85
R-2	.....	0.70
R-3	.....	0.60
S	.....	0.44

**NOTE: R-3 is for attached single family dwellings i.e. Duplexes & Townhouses etc.**

**All permit fees are based upon the total square footage of project times use group multiplier.**

**Minimum Commercial fees:**

New Construction.....	\$1500.00
Commercial Alterations.....	\$ 575.00
Minimum Misc. Fee .....	\$ 250.00

**Occupancy Permit Fees**

.....	\$ 35.00 (Residential)
.....	\$ 75.00 (Two or Multi-Family and commercial)

Unless otherwise provided herein, all Re-inspection fees as a result of a failure to pass inspection.....\$ 65.00

All fees due upon permit application and construction shall not begin until Building Permit secured.

Note: These fees were established by Resolution No. 3 of 2008 passed by White Haven Borough Council on April 14, 2008

- (8) SIGN PERMIT FEES-**  
1. \$45.00
- (9) CERTIFICATE OF ZONING COMPLIANCE-**  
1. Commercial- \$150.00  
2. Residential (single family)- \$75.00  
3. Residential (two or multi-family)-\$125.00
- (10) ZONING PERMIT-**  
1. Residential - \$125.00  
2. Commercial- \$250.00
- (11) APPLICATION OR APPEAL TO THE ZONING HEARING BOARD-**  
1. Administrative Fees- \$350.00
- (12) APPLICATION FOR ZONING CHANGES OR CURATIVE AMENDMENT-**  
1. \$500.00 plus the cost of advertising and stenographer transcript fees.  
2. \$1,000.00 must be placed in an escrow account at the time of making application, which escrow will be applied toward the application fee and costs of the hearing. Any excess will be refunded to the applicant within sixty (60) days from the conclusion of the hearing.
- (13) CERTIFICATE OF NON-CONFORMING USE-**  
\$100.00
- (14) ZONING BOOKS AND MAPS-**  
1. Zoning Book- \$25.00  
2. Zoning Map- \$15.00  
3. Subdivision and Land Development Book- \$25.00
- (15) FEES LICENSES AND OTHER PERMITS-**  
1. Transient Amusement or Retail Business Permit -  
(a) \$50.00 per year or  
(b) \$25.00 per calendar month  
2. Amusement Permit- \$25.00 per amusement device or machine.  
3. Demolition Permit-  
(a) Residential or Accessory Structures- \$100.00  
(b) Commercial Structures including multi-family Buildings- \$250.00

4. Moving Permit - \$15.00 (Moving In Only)
5. Landlord/Tenant Registration Filings-
  - (a) Initial filing by Landlord - \$10.00 per property
  - (b) New filing by Landlord - \$ 10.00 per property
  - (c) Change in Tenant or Vacancy - \$10.00 per unit
6. Street Excavation Permit- \$75.00 plus inspection costs and maintenance or security bond.
7. Grading Permit- \$150.00 plus inspection costs and maintenance or security bond.
8. Fireworks Permit - \$100.00 per event/per day.

**(16) SUBDIVISION AND LAND DEVELOPMENT-**

1. Minor Subdivision- \$250.00
2. Major Subdivision- \$450.00 plus \$10.00 for each lot or dwelling in the subject plan.
3. Site/Land Development Plan- \$250.00
4. In addition to the filing fees set forth above, the applicant, subdivider and agent shall individually or jointly be responsible for paying all review and inspection fees incurred by the Borough. These fees include:
  - (a) The cost of the Solicitor, Borough Engineer and Land Use Planner to perform the following services:
    - Review of plan
    - Site Inspection
    - Preparation of cost estimates for required improvements
    - Inspection of required improvements during the course of construction and installation of said improvements
    - Final inspection of the subdivision and/or land development and the required improvements contained therein
    - Preparation or review of Development Agreements, Stormwater Maintenance and Monitoring Agreements, etc.
  - (b) Review and inspection fees will be charged by the Borough at the current hourly rate being billed to the Borough by the Engineer and Land Use Planner at the time of the review or inspection.

- (c) The review and inspection fees will be billed by the Borough monthly and the developer(s), subdivider(s), or their agent(s) shall be required to pay those bills within thirty (30) days from the date they are billed.
- (d) Subdivision and/or land development approval will not be granted until all fees have been paid.

**(17) INSPECTION/ADMINISTRATION OF CODE OF ORDINANCESCHANGING OF FEES:**

- 1. Street Laborer Hourly Rate      \$ 20.00
- 2. Engineer Hourly Rate            \$ 75.00
- 3. Lawyer Hourly Rate             \$ 85.00
- (Except for Collection - \$150.00)
- 4. Police Officer                     \$ 46.15

- (18) CHANGING OF FEES.** The fees established in this Part may be changed by Borough Council (either increased, decreased or omitted) from time to time by resolution.